

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CHRISTIE BOWERS,

Plaintiff,

vs.

**ROBIN KLETKE and ROBIN COHEN,
husband and wife and the marital
community composed thereof,**

Defendants.

NO. C08-1768RSM

**DECLARATION OF MARK WALTERS
IN SUPPORT OF PLAINTIFF'S REPLY
TO DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FO LEAVE TO
FILE FIRST AMENDED COMPLAINT**

**NOTED ON MOTION DOCKET:
MAY 28, 2010**

I, Mark Walters, declare as follows:

1. I am of legal age and sound mind and I am competent to make this declaration.

2. I represent the Plaintiff, Christie Bowers, in this action. I submit this declaration in Support of Plaintiff's Reply to Defendants' Response to Plaintiff's Motion for Leave to File First Amended Complaint.

3. Attached to this declaration, marked with the exhibit number below, is true

1 and correct copy of the following document:

2 **Exhibit 1** Excerpts from Defendants' First Set of Interrogatories and Requests
3 for Production of Documents to Plaintiff and Amended Answers

4 I declare under penalty of perjury that the foregoing is true and correct.

5 DATED this 28TH day of May, 2010 in Seattle, Washington.

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Mark Walters

EXHIBIT 1
TO
WALTERS REPLY DECL.

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CHRISTIE BOWERS,

Plaintiff,

vs.

ROBIN KLETKE and ROBIN COHEN, husband
and wife and the marital community composed thereof

Defendants.

NO. C08-1768RSM

**DEFENDANTS' FIRST SET OF
INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO PLAINTIFF AND
AMENDED ANSWERS**

TO: CHRISTIE BOWERS

AND TO: Gregory Cavagnaro, her attorney

A. GENERAL DEFINITIONS AND PROCEDURES

You are served with the original and one copy of Defendants' First Set of Interrogatories and Requests for Production pursuant to FRCP 33 and FRCP 34. Please complete the answers within the space provided and, if needed, add additional pages; you must clearly denote the number of the question to which the response relates, including any subpart thereof, if applicable. Return the signed and verified original to this office. Please produce for inspection the documents identified or requested below at the office of the Law Offices of Gregory J. Murphy, P.S., 621 Pacific Avenue, Suite 15, Tacoma, WA 98402 within thirty (30) days of date of service or at such time and place as is mutually agreed upon by counsel. Plaintiff's production of documents shall be in accordance with the instructions and definitions set forth below.

B. SCOPE OF RESPONSES

1. **"Identify"** when used with respect to a person means to state a person's full name, present or last known residence address and telephone number, present or last known business address and telephone number and the present or last known employer or business affiliation; when used with respect to a business (firm, partnership, association, or corporation) means to state its business and

DEFENDANTS' FIRST SET OF INTERROGATORIES & REQUESTS
FOR PRODUCTION - Page 1

C:\AGPC\Bowers, Kristi\Defendants First Set of Discovery to Plaintiff filled
in November 5, 2009.doc

LAW OFFICES OF GREGORY J. MURPHY, P.S.

PO Box 1298
One Pacific Building,
621 Pacific Avenue, Suite 15
TACOMA, WASHINGTON 98401-1298
PHONE 253-572-3688
FAX 253-572-9588

EXHIBIT 1 TO WALTERS REPLY DECL.

1 **ANSWER: See response to Interrogatory Number 8.**

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4 **INTERROGATORY NO. 7:** You allege in your Complaint that Defendants viewed private
5 emails. Please state as to this allegation:

- 6 (a) All facts upon which you base the allegation;
7 (b) Name, address, telephone number, employer, and job title of each person believed to have
8 knowledge concerning this allegation;
9 (c) Identify all documents pertaining to, supporting, or evidencing this allegation, and identify
10 all custodians thereof.

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12 **ANSWER: (a) Log in records provided by Juno and emails from Robin Cohen and Robin**
13 **Kletke provided by Christe Bowers, Brittney MacNeil and Debra Cooper showed that Ms Cohen**
14 **and Mr Kletke (via the IP addresses) had been illegally accessing my email. Also, See Answer to**
15 **Interrogatory Number 8.**

16 (b) Christie Bowers PO Box 320 South Prairie, WA 98385 self 253-709-0254,
17 Jim Rittmann PO Box 320 South Prairie, WA 98385 Univ. of Washington 253-709-0254,
18 Brittney MacNeil Smith Rock Loop Terrebonne, OR 97760 541-480-0778 mother, Mike Delorto
19 6716 B California SW Seattle, WA 98136206-932-3592 I think he works for Boeing, Debra
20 Cooper and Barth Clooten 6333 N Oberlin Portland, Or 97203 school teacher, Dan Butcher
21 17420 NE Halsey # 22 Portland, OR 97230 (503) 708-7582, works at a kennel, Joan Meyer 1774
22 E 1200 Rd Lawrence, KS 66049 785-838-3410 agility instructor, Susan Elzner 32201 Kent
23 Black Diamond Road SE, Suite 3 Auburn, WA 98092-6596 253-735-2224 dog groomer,
24 Gillian Crawford 4609 152nd St E Tacoma, WA 98446 253-535-9319 works at an attorney's
25 office, Lori Sage PO Box 3381
26 Tualatin, OR 97062 503-849-1986 trial secretary, Wilson Lihn Custodian of Records for Juno 2
Executive Drive, Suite 820 Fort Lee, New Jersey 07024 212-597-9647, Scott Sandberg
Sonosite, Inc 21919 30th Dr. S.E. Bothell, WA 98021, Kathryn Surace-SmithSonosite, Inc
21919 30th Dr. S.E. Bothell, WA 98021 425-951-1200 Chief Legal counsel, Mark Kuznitz
4969 Bethlehem Church Rd Wasington, MO 63090 (636) 584-0113 self employed, Lavonda
Herring 51 Duncan Rd Lagrangeville, NY 12540 845-724-5686 self employed, Bonnie Drabek
630-690-9395, Edith Allyn 1030 Lakeview Dr Stafford, VA 22554 703-501-2565 works at a
school, Pam Sturtz 458 Blakesley-Nurse Hollow Rd Afton, NY 13730 607-693-3647, Marcia
MacDonald 3241 S 259th Kent, WA 98032 253-529-7862 retired, Wenatchee Kennel Club,
Seattle Kennel Club, Evergreen Afghan Hound Club, Puget Sound Laborador Retriever Assoc.,
Northwest Bearded Collie Club of Puget Sound, Timberland Valley Dog Fanciers Assoc.,

1 Tualatin Kennel Club, Dog Fanciers Association of Oregon, Mt. Bachelor Kennel Club, Eugene
2 Kennel Club, (I do not know the mailing address for the dog clubs)
3 c) log in records from Juno, declarations from Debra Cooper, Brittney MacNeil, Christie
4 Bowers, letter from Sonosite confirming Mr Kletke's use of their computer to access my email.

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8 (c) See response to Request for Production Number 2.

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10 **REQUEST FOR PRODUCTION NO. 2:** Please identify and produce all documents
11 identified in response to the preceding Interrogatory.

12 **RESPONSE:** Correspondence from Jeff Foster to SonoSite, and response from Sonosite.
13 Documents from SonoSite in response to Plaintiff's subpoena. Juno records consisting of
14 webmail connection logs and emails. Plaintiff's log of error messages. Correspondence to the US
15 Department of Justice from Plaintiff concerning the actions of the defendants and responses.
16 Documents regarding Pierce County District Court Action 8Y613439A (Bowers v. Kletke) and
17 Pierce County District Court Action 8Y613441A (Bowers v. Cohen). Miscellaneous emails. The
18 documents are attached.

19 **INTERROGATORY NO. 8:** You allege in your Complaint that on or about September of
20 2007, you were advised that defendants had been secretly obtaining access to your email. Please state
21 as to this allegation:
22

- 23 (a) All facts upon which you base the allegation;
24 (b) Name, address, telephone number, employer, and job title of each person believed to have
25 knowledge concerning this allegation;
26 (c) Identify all documents pertaining to, supporting, or evidencing this allegation, and identify
all custodians thereof.

ANSWER: (a) Lori Sage stated that she had been contacted by Leslie Renaud and Leslie told her not to talk to me. Lori noticed that some of the conversation with Leslie were direct quotes from an email Lori had sent to me. Leslie had also mentioned, to Lori, that my husband Jim had contacted Leslie and told Leslie to tell Lori not to talk to me about trials or trial secretary work. Since Lori knew that this could not be true (my husband does not speak to Leslie), she began to wonder how Leslie knew so much about my emails and told Lavonda Herring, AKC judge, that she believed that the Robins were reading my email. Leslie and the Robins were working together on trials and are friends. Lavonda Herring advised me of Lori's suspicions. I investigated it and found it to be true. I contacted Juno, Wilson Lihn, and he provided me with 6 months of login reports from my texdandy@juno.com account. I began checking the IP addresses through a website that tells you where the IP addresses originate from. I soon found that Mr. Kletke and Ms. Cohen had been logging in to my email. One of the IP addresses belonged to a company named Sonosite, Inc. After contacting them through my attorney, they verified that Mr. Kletke had used their computer to access my email.

(b) See Answer to Interrogatory Number 7.

(c) See response to Request for Production Number 2.

REQUEST FOR PRODUCTION NO. 3: Please identify and produce all documents identified in response to the preceding Interrogatory.

RESPONSE:

See response to Request for Production Number 2.

INTERROGATORY NO. 9: You allege in your Complaint that Defendants intercepted 139 emails. Please state as to this allegation:

(a) All facts upon which you base the allegation;

(b) Name, address, telephone number, employer, and job title of each person believed to have knowledge concerning this allegation;